

HDP/SB/21 based on PTO/SB/21 (08-00)

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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	09/830,721
	Filing Date	April 30, 2001
	First Named Inventor	Klaus G. Schmitt et al.
	Group Art Unit	3679
	Examiner Name	Flemming Saether
Total Number of Pages in This Submission	Attorney Docket Number	0275M-000305/US

ENCLOSURES (check all that apply)		
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## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Harness, Dickey & Pierce, P.L.C.	Attorney Name	Robert M. Siminski	Reg. No.	36,007
Signature	<i>Robert M. Siminski</i>				
Date	October 7, 2003				

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DATE: October 7, 2003

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FROM: Robert M. Siminski

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COMMENTS:

Re: Serial No. 09/830,721  
Title: Improved Weldable Aluminum Stud

Please enter the attached Response to Restriction/Election Requirement.

If you have any questions, please do not hesitate to contact us.

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**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.: 09/830,721

Filing Date: April 30, 2001

Applicant: Klaus G. Schmitt et al.

Group Art Unit: 3679

Examiner: Flemming Saether

Title: Improved Weldable Aluminum Stud

Attorney Docket: 0275M-000305/US

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**RESPONSE TO RESTRICTION/ELECTION REQUIREMENT**

Sir:

In response to the Office Action mailed September 25, 2003, please consider the remarks set forth below.

The Examiner has requested restriction to one of the below listed groups under 35 U.S.C. §121.

Group I - Claims 20-24, drawn to a stud, classified in class 411, subclass 171; and

Group II - Claims 25-38, drawn to a method of welding, classified in class 219.

The Examiner asserts that the inventions are distinct from each other in that the inventions of Groups I and II are related as a process of making and product made. Further, the inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2)

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that the product as claimed can be made by another and materially different process (M.P.E.P. §806.05(f)). Thus, the Examiner concludes that the product as claimed can be made by a materially different process

While the Examiner's point is well taken, Applicants respectfully traverse the restriction/election requirement. Applicants respectfully submit that the inventions of Groups I and II should remain in the present application as a single grouping in that each of the Groups require the use of a titanium containing material to effectuate the welding of the stud to the substrate. As this should be the focal point of any search conducted by the Examiner handling this matter, Applicant submits that the inventions of Groups I and II are believed to be sufficiently related as to not create an undue burden for the Examiner.

In the event that the Examiner insists on maintaining the grouping as set forth in the Official Action, Applicants provisionally elect the invention of Group II, Claims 25-38, with traverse.

Respectfully submitted,

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Date: October 7, 2003

By: Robert M. Siminski

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